

In the Supreme Court of the State of Alaska

Stephen Harmon,

Petitioner,

v.

State of Alaska,

Respondent.

Supreme Court No. **S-18130**

Order

Motion for Reconsideration of Notice of
Deficiency

Date of Order: **7/22/2021**

Court of Appeals Case No. **A-13760**

Trial Court Case No. **4FA-13-02849CI, 4FA-92-02481CR**

Petitioner Stephen Harmon filed an appeal on or about June 25, 2021, which the appellate clerk's office treated as a petition for review. The appeal asks us to review two orders of the court of appeals: a 5/11/2021 order, granting the State an extension of time for filing its appellee's brief on an appeal pending in the court of appeals, and a 6/16/2021 order denying reconsideration of the 5/11/2021 order. The 6/30/2021 Notice of Deficiency properly noted that the orders Harmon asks us to review are not final appealable orders under Alaska Appellate Rule 202(a). Harmon moves for partial reconsideration of the Notice of Deficiency, contending that the appellate clerk erred by characterizing his appeal as a petition for review rather than as an appeal of right from a final order.

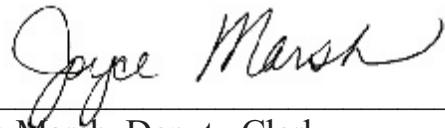
The two orders Harmon asks us to review are not the court of appeals' opinion on the merits of the appeal (*see* Appellate Rule 507) but rather are procedural decisions that we will hear, if at all, pursuant to a petition for review filed under Alaska Appellate Rules 402-403. Even a final judgment of the court of appeals is not appealable to the supreme court; such a final judgment may be the subject of a petition for hearing pursuant to Alaska Appellate Rules 301-305, but whether we hear it is subject to our discretion. AS 22.07.030; AS 22.05.010(d). The clerk's Notice of Deficiency did not err.

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Therefore, on consideration of Harmon's 7/7/2021 Motion for Reconsideration of Clerk's 6/30/2021 Notice of Deficiency, **IT IS ORDERED** that the motion is **DENIED**.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts

A handwritten signature in cursive script that reads "Joyce Marsh". The signature is written in dark ink and is positioned above a horizontal line.

Joyce Marsh, Deputy Clerk

Distribution:

Mail:
Harmon, Stephen

Email:
Simel, Nancy R.